

## WV State Building Code and Floodplain Management

As of April 1<sup>st</sup>, 2003, communities across West Virginia were required to utilize the new West Virginia State Building Code, based on the International Building Code.

The International Code incorporates many of the requirements of the National Flood Insurance Program (NFIP) regulations. This means that for the first time, NFIP requirements are part of the building code in addition to being incorporated into local laws required for participation in the NFIP.

The publication “Reducing Flood Losses Through the International Code Series” is very helpful in summarizing the location and content of floodplain management issues in the International Codes. The full text of the publication can be downloaded in PDF format using the following weblink:

<http://www.fema.gov/hazards/floods/fldlosses.shtm>

Various technical issues still need to be resolved between the floodplain management requirements and the WV State Building Code.

**Greater than Minimum Standards.** NFIP standards are considered to be minimum standards. Communities have long been urged by the WV NFIP Coordinators and by the Federal Emergency Management Agency (FEMA), to adopt standards that go beyond the minimum requirements. In fact FEMA formally encourages communities to adopt more restrictive standards and offers flood insurance policy discounts through the Community Rating System to encourage communities. More restrictive standards generally fall into two categories:

“Freeboard” - which requires structures constructed within mapped floodplains to be elevated to one or two feet above the base flood elevation.

“Repetitive damage” - structures in the floodplain suffering two losses within a ten-year period averaging 25% of a structure’s value are considered substantially damaged, subject to being brought into compliance with code requirements (and eligible for ICC).

Our current understanding of state law is that a community may enforce a local law or ordinance more restrictive than the building code. This process will hopefully allow communities the flexibility to respond to unique local conditions.

### **Other Issues:**

#### **Floodway and other Floodplain Regulations.**

Appendix G from the International Building Code was not carried over to the WV State Building Code. This section includes floodway regulations, watercourse alterations, nonstructural development, and variances. Within the International Code, this is an optional section to be activated only by local government adoption. All issues may continue to be implemented via local law or floodplain ordinance. WV NFIP Coordinators recommend adoption of Appendix G for consistency and to avoid future mistakes in floodplain development.

**Un-numbered or Approximate “A” Zones.** The WV Building Code may not include elevation standards for structures in unnumbered “A” zones. These unnumbered or “Approximated” flood hazard zones were published on maps without base flood elevation data. WV NFIP Coordinators recommend, and most communities enforce, various methodologies to assure structures will be “reasonably safe from flooding” as required by the NFIP standards. These methodologies may include detailed hydrology studies such as HEC-raz or very basic flood data such as point on floodplain boundary estimates of flood elevation plus requiring lowest floor to be at least three feet above the highest adjacent grade. Communities may continue to enforce the standard contained in the floodplain ordinance, as the elevation standards are not addressed in the WV building code.

**Manufactured Homes.** NFIP regulations allow “infill” manufactured homes in existing manufactured home parks to be exempt from elevation requirements. The WV Building Code eliminates that exemption. The exemption has been eliminated in the “New” draft of the WV model floodplain ordinance.

Because the more restrictive Building Code standard takes precedence, communities that have adopted the state building code should require all new manufactured homes placed in mapped flood hazard areas to comply with elevation and anchoring requirements.

The WV Division of Labor, Manufactured Housing Section has specific requirements for licensed manufactured home dealers and installers to follow during installation. Since the WVDOL requires an engineer to approve the installation design for manufactured homes being installed in flood hazard areas it appears to be more restrictive than the state building code or the model state floodplain ordinance.

**Utilities.** The WV Building Code requires residential building utilities to be elevated above the Base Flood Elevation. NFIP regulations, and most local laws, allow utilities to be protected from floodwaters OR elevated. The more restrictive building code standard should be enforced.

**Agricultural Structures.** The WV Building Code excludes agricultural structures NFIP standards include agricultural structures. Local communities may continue to enforce NFIP standards on agricultural structures under their local flood protection laws.

**County Enforcement.** Some counties provide building code services to their local communities. For issues discussed above that remain in local law and are not covered by Building Code, counties may need to refer an applicant back to the appropriate local government or establish agreements for dealing with these issues beforehand.

**Maintaining permit files.** WV Building Code requires retention of official records “For the period required for retention of public records.” National Flood Insurance Program Guidelines require records related to development in flood hazards to be maintained permanently.